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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR-09-901 SBA
)	
Plaintiff,)	STIPULATION AND ORDER TO
)	CONTINUE STATUS CONFERENCE
v.)	AND EXCLUDE TIME UNDER THE
)	SPEEDY TRIAL ACT
DWEN CURRY,)	
)	
Defendant.)	
_____)	

IT IS HEREBY STIPULATED AND AGREED between the plaintiff through its attorney, Joshua Hill, and the defendant through his attorney, Nina Wilder, that the status hearing presently set for February 16, 2010, be continued to March 9, 2010 at 9:00 a.m. The request for a continuance is due to government counsel's need to prepare and appear for a jury trial beginning February 25, 2010. In addition, the parties continue to discuss the scope of additional discovery that may be produced in this case. At the request of defense counsel, the government is conducting additional investigation concerning the loss amount in this case, which could impact the Guidelines calculation. The parties agree that the delay is not attributable to lack of diligent preparation on the part of the attorney for the government or defense counsel. For these reasons, the parties request that time under the Speedy Trial Act be excluded based on the

1 government's need for reasonable time necessary for effective preparation, taking into account
2 the exercise of due diligence. The parties agree that the waiver covers all time between February
3 16, 2010 and March 9, 2010.

4
5 IT IS SO STIPULATED:

6 Dated: February 12, 2010

/S/
NINA WILDER
Attorney for Defendant

8
9 Dated: February 12, 2010

/S/
JOSHUA HILL
Assistant United States Attorney

10
11
12 **ORDER**

13 GOOD CAUSE HAVING BEEN SHOWN, it is hereby ordered that the hearing in this
14 matter now scheduled for February 16, 2010 is hereby rescheduled for March 9, 2010 at 9:00
15 a.m. Based upon the representation of counsel and for good cause shown, the Court also finds
16 that failing to exclude the time between February 16, 2010 and March 9, 2010 would
17 unreasonably deny the government and the defense the reasonable time necessary for effective
18 preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A)(B)(iv).
19 The Court further finds that the ends of justice served by excluding the time between February
20 16, 2010 and March 9, 2010 from computation under the Speedy Trial Act outweigh the best
21 interests of the public and the defendant in a speedy trial. Therefore, it is hereby ordered that the
22 time between February 16, 2010 and March 9, 2010 shall be excluded from computation under
23 the Speedy Trial Act. 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

24
25 DATED: February 16, 2010



HONORABLE SAUNDRA B. ARMSTRONG
United States District Court Judge